

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JULIAN MONTIZE HERMAN,

Defendant.

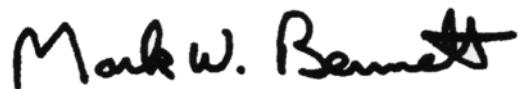
No. CR05-4098-MWB

**ORDER VACATING DEFENDANT'S
CONVICTION FOR POSSESSION OF
A FIREARM HAVING PREVIOUSLY
BEEN CONVICTED OF A
MISDEMEANOR CRIME OF
DOMESTIC VIOLENCE**

On August 24, 2005, an indictment was returned against defendant Julian Montize Herman, charging defendant with possession of a firearm by a felon, in violation of 18 U.S.C. §§ 922(g)(1) and 922(a)(2), and possession of a firearm having been previously convicted of a misdemeanor crime of domestic violence, in violation of 18 U.S.C. §§ 922(g)(9) and 924(a)(2). The court accepted defendant Herman's plea of guilty to Counts 1 and 2 of the indictment on March 8, 2006, and subsequently sentenced defendant Herman to a term of incarceration. On appeal, the Eighth Circuit Court of Appeals has remanded this case with instructions to vacate one of defendant's unlawful possession convictions. Therefore, the court vacates defendant Herman's conviction for possession of a firearm having been previously convicted of a misdemeanor crime of domestic violence.

IT IS SO ORDERED.

DATED this 17th day of November, 2006.



MARK W. BENNETT
CHIEF JUDGE, U. S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA